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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

Case No. 5577

JASON AMIS ISIDRO

Pharmacy Technician Applicant

Respondent.

**WITHDRAWAL OF STATEMENT OF
ISSUES**

The Statement of Issues No. 5577 against Jason Amis Isidro (Respondent) is withdrawn without prejudice. Respondent has withdrawn the request for a hearing regarding the denial of the application for a pharmacy technician registration. The denial of the application is affirmed.



DATED: 2/4/2016

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 5577

12 **JASON AMIS ISIDRO**

13 **STATEMENT OF ISSUES**

14 **Pharmacy Technician Applicant**

15 **Respondent.**

16 Virginia Herold ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the
19 Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

20 2. On or about August 18, 2014, the Board received an application for a Pharmacy
21 Technician License from Jason Amis Isidro ("Respondent"). On or about July 30, 2014,
22 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied the application on June 12, 2015.

24 **JURISDICTION**

25 3. This Statement of Issues is brought before the Board under the authority of the
26 following laws. All section references are to the Business and Professions Code (the "Code")
27 unless otherwise indicated.

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1 6. Code section 4202 states, in pertinent part:

2 (c) The board shall conduct a criminal background check of the applicant to
3 determine if an applicant has committed acts that would constitute grounds for denial
4 of licensure, pursuant to this chapter or Chapter 2 (commencing with Section 480) of
5 Division 1.5.

6 7. Code section 4300(c) states, in pertinent part:

7 The board may refuse a license to any applicant guilty of unprofessional
8 conduct. The board may, in its sole discretion, issue a probationary license to any
9 applicant for a license who is guilty of unprofessional conduct and who has met all
10 other requirements for licensure. . . .

11 8. Code section 4301 states, in pertinent part:

12 The board shall take action against any holder of a license who is guilty of
13 unprofessional conduct or whose license has been procured by fraud or
14 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
15 not limited to, any of the following:

16 (h) The administering to oneself, of any controlled substance, or the use of any
17 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
18 dangerous or injurious to oneself, to a person holding a license under this chapter, or
19 to any other person or to the public, or to the extent that the use impairs the ability of
20 the person to conduct with safety to the public the practice authorized by the license.

21 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
22 deceit, or corruption, whether the act is committed in the course of relations as a
23 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

24 (d) The conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensee under this chapter. The record of conviction of a
26 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
27 States Code regulating controlled substances or of a violation of the statutes of this
28 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

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1 **DRUG**

2 9. *Marijuana* is a Schedule I controlled substance as designated by Health and Safety
3 Code section 11054(d)(13).

4 **BACKGROUND FACTS**

5 10. On or about November 19, 2007, in a criminal proceeding entitled *City of Sparks v.*
6 *Jason Isidro*, in the Municipal Court of the City of Sparks, County of Washoe, State of Nevada,
7 Case Number 07-C 001275, Respondent was convicted on his plea of no contest of violating
8 Nevada Revised Statutes section 484.448 (open container in vehicle, amended from a charge for
9 driving under the influence of alcohol and/or drugs as a first offense), a misdemeanor.
10 Respondent was ordered to complete substance abuse counseling within thirty days. On or about
11 April 24, 2008, the court issued a warrant for Respondent's arrest for failure to complete
12 substance abuse counseling. On or about November 24, 2008, Respondent provided proof of
13 completion of substance abuse counseling and was charged with violating Sparks Municipal Code
14 section 1.12.040 (criminal contempt), a misdemeanor. The circumstance of the underlying crime
15 is that on or about June 29, 2007, a police officer with the Sparks, Nevada, Police Department
16 detained Respondent after he was observed making an illegal u-turn. The officer noted that
17 Respondent's eyes were red, bloodshot, and watery, his speech slow and slurred, and he smelled
18 of an alcoholic beverage. Respondent did not perform field sobriety tests as instructed. The
19 officer found inside the vehicle Respondent was driving a scale that measured in grams and 5.7
20 grams of a green leafy substance in a jar that tested presumptive positive for marijuana.
21 Respondent's blood alcohol level was .113% by breath and 0.134% by blood. Respondent's
22 blood also contained 11-nor-9-carboxy-THC.¹

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 (Criminal Convictions)

25 11. Respondent's application is subject to denial under Code sections 480(a)(1), in that
26 Respondent was convicted of crimes that are substantially related to the qualifications, functions,

27 ¹ The main secondary metabolite of tetrahydrocannabinol (THC) which is formed in the
28 body after marijuana is consumed.

1 and duties of a licensee, as set forth in Paragraph 10, above.

2 **SECOND CAUSE FOR DENIAL OF APPLICATION**

3 (False Statement on Application)

4 12. Respondent's application is subject to denial pursuant to Code sections 480(a)(2), and
5 480(d), in that Respondent knowingly made a false statement in his application for a registered
6 pharmacy technician license. Specifically, Respondent answered "No" to question 7 of the
7 Pharmacy Technician Application, which states, in pertinent part:

8 Have you ever been convicted of any Crime in any state, the USA
9 and its territories, military court or foreign country?

10 Check the box next to "Yes" if, you have ever been convicted or
11 plead guilty to any crime. "Conviction" includes a plea of no
12 contest and any conviction that has been set aside or deferred
13 pursuant to Sections 1210.1 or 1203.4 of the Penal Code,
14 including fractions, misdemeanor, and felonies. You do not need
15 to report a conviction for an infraction with a fine of less than
16 \$300 unless the infraction involved alcohol or controlled
17 substances. You must, however, disclose any convictions in which
18 you entered a plea on no contest and any convictions that were
19 subsequently set aside pursuant or deferred pursuant to sections
20 1210.1 or 1203.4 of the Penal Code.

21 Check the box next to "NO" if you have not been convicted of a
22 crime.

23

24 **Failure to disclose a disciplinary action or conviction may
25 result in the license being denied or revoked for falsifying the
26 application. Attach additional sheets if necessary.**

27 In fact, Respondent was convicted of crimes, as set forth in paragraph 11, above.

28 **THIRD CAUSE FOR DENIAL OF APPLICATION**

(Acts Done by a Licentiate as Grounds for Discipline)

13. Respondent's application is subject to denial under Code sections 480(a)(3)(A), in
conjunction with 4300(c) and 4301, in that Respondent committed acts of unprofessional conduct
that if done by a licentiate would be grounds for discipline, as follows:

a. **Code Section 4301(h)**: On or about June 29, 2007, Respondent used a dangerous
drug and/or alcoholic beverage to an extent or in a manner as to be dangerous or injurious to
himself, any other person, or to the public, when he drove a motor vehicle after consuming

1 alcoholic beverages and/or marijuana, a controlled substance, as more fully set forth in
2 paragraph 10, above.

3 b. **Code Section 4301(f)**: Respondent committed a dishonest act, in that Respondent
4 made a false statement in his application for a registered pharmacy technician license, as set forth
5 in paragraph 12, above.

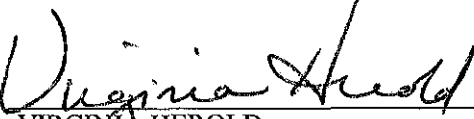
6 b. **Code Section 4301(l)**: Respondent was convicted of a crime substantially related to
7 the qualifications, functions, and duties of a licensee, as set forth in paragraph 10, above.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Denying the application of Jason Amis Isidro for a Pharmacy Technician License;
12 and,
13 2. Taking such other and further action as deemed necessary and proper.

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15 DATED: 12/22/15


16 VIRGINIA HEROLD
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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